

REMARKS

In the above referenced case, claims 1-52 are pending. Applicant will sequentially address the issues raised by the Examiner.

I. The 35 U.S.C. §103 Rejections

A. Claims 1-17 and 27-43

Claims 1-12 and 27-28 were rejected under 35 U.S.C. §103(a) as unpatentable over Rowley, U.S. Patent No. 5,999,740 ("ROWLEY") in view of Grant et al., U.S. Patent No. 5,218,602 ("GRANT") and further in view of Bannon et al., U.S. Patent No. 6,047,357 ("BANNON"). Applicant respectfully traverses the rejections.

1. Claim 1

It is axiomatic that the combination of cited references in a §103 rejection must disclose every element in the rejected claim. MPEP 2143.03. Claim 1 recites a method for intelligently providing application and data in a mobile device system, comprising the steps of:

- collecting user operation history from at least one user;
- generating user and application registration information;
- generating a list of frequently accessed information based on said user operation history;
- selectively caching information at a mobile device and a gateway based on said list of frequently accessed information, said information including application or data;
- updating said information at said mobile device and said gateway; and
- synchronizing said user operation history and said user and application registration information among a plurality of gateways.

The Examiner agrees that ROWLEY does not teach the claimed step of "synchronizing ...among a plurality of gateways" as recited in claim 1. The Examiner relied on ROWLEY for the other steps recited in claim 1. Based on the

arguments below, Applicant respectfully submits that ROWLEY does not disclose or suggest multiple steps recited in claim 1.

a. Overview

ROWLEY discloses a method for accessing a remote file server to update one or more applications. Each application has a corresponding “manifest file” stored at the remote file server. Each manifest file contains information about that application. ROWLEY discloses comparing information in a manifest file to existing information on a client computer, determining whether any application file(s) for a selected application should be updated based on the comparing, then updating those application files. See ROWLEY, col. 1, lines 24-50.

In contrast, claim 1 recites a method for intelligently providing application and data in a mobile device system based on user operation history and other information.

b. ROWLEY Does Not Disclose the Step of Collecting User Operation History from at Least One User

Claim 1 recites the step of “collecting user operation history from at least one user.” The “user operation history” has to do with operations performed by a user. For example, user operation history may include, without limitation, frequency of access information relating to each application or data. See Specification, page 13, lines 26-30. The Examiner cited col. 5, lines 42-67 and col. 4, lines 7-67 in ROWLEY for allegedly disclosing this step. Applicant will sequentially address the cited portions in ROWLEY.

At col. 5, lines 42-67, ROWLEY discloses a method for initiating an updating process. “A list of the files and versions of currently installed application is displayed...The display indicates which, if any, of the applications have more recent versions available...Assuming the “OK” button was selected ... the update program contacts the server to obtain the manifest file for the first (or only) of the selected applications.” Id. The updating process disclosed in ROWLEY does not consider any user operation history. Instead, ROWLEY discloses displaying recent versions of applications already installed on the client computer and allows an update of an application that has a more recent version. Thus, at least this cited portion in

ROWLEY does not disclose or suggest the step of “collecting user operation history” as recited in claim 1.

At col. 4, lines 7-67, ROWLEY discloses a portion of an operation of an “uploader program.” See ROWLEY, col. 3, line 41. “This program is used by a system administrator when it is desired to upload a new or updated version of a software application onto the servers.” ROWLEY, col. 3, lines 42-44. In the portion cited by the Examiner, the system administrator is allowed to select a new release, edit release details, select target servers, creating new manifest file for new or updated applications, or perform other functions for updating the server. ROWLEY, col. 4, lines 7-67. Nowhere in the cited portion (or anywhere else) in ROWLEY does it disclose or suggest the step of collecting “user operation history” information. In fact, as disclosed in ROWLEY, the system administrator updates the server as needed without considering the user at all. Thus, this cited portion in ROWLEY also does not disclose or suggest the step of “collecting user operation history” as recited in claim 1.

Based on the foregoing, Applicant respectfully submits that ROWLEY does not disclose or suggest the step of “collecting user operation history” as recited in claim 1. Thus, Applicant believes that claim 1 is in condition for allowance.

c. ROWLEY Does Not Disclose or Suggest the Step of
Generating a List of Frequently Accessed Information
Based on the User Operation History

Claim 1 also recites the step of “generating a list of frequently accessed information based on said user operation history.” As shown in the previous section, ROWLEY does not teach or suggest the step of “collecting user operation history.” It follows from principles of logic that ROWLEY also cannot disclose or suggest any step that refers back to the “user operation history.” Hence, ROWLEY cannot disclose or suggest this step.

The Examiner cited the “manifest file” from col. 5, line 42 to col. 6, line 20 of ROWLEY as allegedly disclosing this step. The manifest file disclosed in ROWLEY contains a list of application files related to a particular application and information related to those files, such information does not pertain to frequency of access.

ROWLEY, col., 31-43. Thus, the manifest file does not contain any “list of frequently accessed information.”

Each file server also stores a number of manifest files, one for each version of each application stored on the server. These manifest files ... each has a name constructed from the name and release number of the application to which it relates. Each manifest files contains a list of the application files that make up the particular version of the application. ROWLEY, col. 2, lines 24-30.

Based on the foregoing, Applicant respectfully submits that ROWLEY does not disclose or suggest the step of “generating a list of frequently accessed information based on said user operation history” as recited in claim 1. Thus, Applicant believes that claim 1 is in condition for allowance.

d. ROWLEY Does Not Disclose or Suggest the Step of Selectively Caching Information at a Mobile Device and a Gateway Based on the List of Frequently Accessed Information

Claim 1 also recites the step of “selectively caching information at a mobile device and a gateway based on said list of frequently accessed information.” Examiner concedes that ROWLEY does not disclose a gateway. Thus, ROWLEY cannot disclose or suggest any step that refers to the gateway. Hence, ROWLEY cannot disclose or suggest this step.

Based on the foregoing, Applicant respectfully submits that ROWLEY does not disclose or suggest the step of “selectively caching information at a mobile device and a gateway based on said list of frequently accessed information” as recited in claim 1. Thus, Applicant believes that claim 1 is in condition for allowance.

2. Claims 2-17

Claims 2-17 are dependent upon claim 1 and therefore should also be in a condition for allowance.

3. Claim 27

Independent claim 27 recites a computer program product comprising logic code that, when executed, perform the steps as recited in claim 1. Based on Applicant's foregoing arguments with respect to claim 1, Applicant believes that claim 27 is not unpatentable over ROWLEY in view of GRANT and BANNON and should be in condition for allowance.

4. Claim 28-43

Claims 28-43 are dependent on claim 27 and should also be in condition for allowance.

B. Claims 18-20 and 44-46

Claims 18, 19, 20, 44, 45, and 46 were rejected under 35 U.S.C. §103(a) as unpatentable over McGuire et al., U.S. Patent No. 6,493,871 B1 ("McGUIRE") in view of Ratcliff et al., U.S. Patent No. 6,023,734 ("RATCLIFF") and further in view of BANNON. Applicant respectfully traverses the rejections.

1. Claim 18

Claim 18 recites a method for generating application requests at a mobile device, comprising the steps of:

- determining whether a requested application is located in a local cache;
- determining whether said requested application in said local cache is current;

determining whether an update schedule is executed for said requested application in said local cache;
 generating an application download request if said requested application is not located in said local cache;
 generating an application update request if said requested application in said local cache is not current;
 generating an application status check request if said update schedule is not executed;
 opening a logical session;
 opening or reusing a physical session connected to a gateway; and
 sending said application download request, said application update request, or said application status check request to said gateway via said logical and said physical sessions.

The Examiner agrees that McGUIRE does not teach the claimed steps of “opening a logical session,” and “opening or reusing a physical session connected to a gateway” as recited in claim 18. The Examiner relied on McGUIRE for the other steps recited in claim 18. Based on the arguments below, Applicant respectfully submits that McGUIRE does not disclose or suggest multiple steps recited in claim 18.

a. McGUIRE Does Not Disclose the Step of Determining Whether an Update Schedule Is Executed for the Requested Application in the Local Cache

Claim 18 recites the step of “determining whether an update schedule is executed for said requested application in said local cache.” The Examiner cited col. 14, lines 42-55 in McGUIRE as allegedly disclosing this step.

Col. 14, lines 42-55 of McGUIRE discloses updating of files on the “needed list.” The “needed list” was created by a setup program previous downloaded onto a client computer for determining “which files are needed to add to or update the existing files to provide the set of installation files.” McGUIRE, col. 7, lines 28-42. The “needed list” in McGUIRE is not created in response to any schedule.

In contrast, claim 18 recites the step of determining whether an update schedule is executed.... It is inherent to a person skilled in the art that an update schedule has to exist in order for it to be executed. McGUIRE does not disclose or suggest any “update schedule” according to which an update is executable at a

scheduled time. Thus, McGUIRE failed to disclose or suggest this step and claim 18 should be in condition for allowance.

b. McGUIRE Does Not Disclose or Suggest the Step of
Generating an Application Status Check Request If the
Update Schedule Is Not Executed

Claim 18 also recites the step of “generating an application status check request if said update schedule is not executed.” As shown in the previous section, McGUIRE does not teach or suggest the any “update schedule.” It follows from principles of logic that McGUIRE also cannot disclose or suggest any step that refers back to the “update schedule.” Hence, McGUIRE cannot disclose or suggest this step.

The Examiner cited col. 14, lines 30-55 for allegedly disclosing this step. Col. 14, lines 30-55 of McGUIRE discloses resending the “needed list” to the download server if a connection to the server gets disconnected. The “needed list” includes a list of files to be downloaded from the server. Neither the cited portion nor anywhere else in McGUIRE discloses or suggests generating an “application status check request” if an update schedule is not executed. A connection failure is a disruption of an update process in execution, not a non-execution of a scheduled update.

Based on the foregoing, Applicant respectfully submits that McGUIRE does not disclose or suggest the step of “generating an application status check request if said update schedule is not executed” as recited in claim 18. Thus, Applicant respectfully submits that claim 18 is in condition for allowance.

2. Claims 19-20

Claims 19-20 are dependent upon claim 18 and therefore should also be in a condition for allowance.

3. Claim 44

Independent claim 44 recites a computer program product comprising logic code that, when executed, perform the steps as recited in claim 18. Based on Applicant’s foregoing arguments with respect to claim 18, Applicant believes that

claim 44 is not unpatentable over McGUIRE in view of RATCLIFF and BANNON and should be in condition for allowance.

4. Claim 45-46

Claims 45-46 are dependent on claim 44 and should also be in condition for allowance.

C. Claims 21-25 and 47-51

Claims 21-25 and 47-51 were rejected under 35 U.S.C. §103(a) as unpatentable over McGUIRE in view of Lagarde et al., U.S. Patent No. 5,721,908 ("LAGARDE"). Applicant respectfully traverses the rejections.

1. Claim 21

Claim 21 recites a method for processing requests at a gateway, comprising the steps of:

- parsing a request, said request including user operation history;
- building a first intelligent strategy based on said parsing, said first intelligent strategy including at least one database access request;
- accessing a gateway database based on said first intelligent strategy;
- constructing a response based on said accessing; and
- sending said response to said mobile device.

The Examiner agrees that McGUIRE does not teach the "gateway" as recited in the step of "accessing a gateway database based on said first intelligent strategy" in claim 21. The Examiner relied on McGUIRE for allegedly disclosing the other steps recited in claim 21. Based on the arguments below, Applicant respectfully submits that McGUIRE does not disclose or suggest at least one step in claim 21.

a. McGUIRE Does Not Disclose the Step of Parsing a Request which Includes User Operation History

Claim 21 recites the step of "parsing a request, said request including user operation history." The Examiner cited col. 7, lines 7-55 as allegedly disclosing this step. Col. 7, lines 7-55 of McGUIRE states that:

The present invention is directed to an efficient way to download update data from a download server to a client computer for installing a revised version of a software product on the client computer....the amount of update data to be transmitted across the network is minimized by downloading only the files needed to build on the existing state of the client computer to provide the installation files. To that end, the client computer first downloads ... a setup program. ... The setup program determines which files are needed to add to or update the existing files ... and compiles a "needed files" list. ... The list of needed files is included in a download request and sent to the download server. ... When the download server receives the download request, it compares the list of needed files with available update data, and returns update files to the client. McGUIRE, col. 7, lines 7-55.

McGUIRE does not disclose or suggest any request containing "user operation history." The "user operation history" has to do with operations performed by a user. For example, user operation history may include, without limitation, frequency of access information relating to each application or data. See Specification, page 13, lines 26-30.

Based on the foregoing, Applicant respectfully submits that McGUIRE does not disclose or suggest the step of parsing a request that includes user operation history as recited in claim 21. Thus, Applicant believes that claim 21 is in condition for allowance.

2. Claims 22-25

Claims 22-25 are dependent upon claim 21 and therefore should also be in a condition for allowance.

3. Claim 47

Independent claim 47 recites a computer program product comprising logic code that, when executed, perform the steps as recited in claim 21. Based on Applicant's foregoing arguments with respect to claim 21, Applicant believes that claim 47 is not unpatentable over McGUIRE in view of LAGARDE and should be in condition for allowance.

4. Claim 48-51

Claims 45-46 are dependent on claim 44 and should also be in condition for allowance.

D. Claims 26 and 52

Claims 26 and 52 were rejected under 35 U.S.C. §103(a) as unpatentable over McGUIRE in view of ROWLEY. Applicant respectfully traverses the rejections.

1. Claim 26

Claim 26 recites a method for providing application and data in a mobile device system, comprising the steps of:

- sending a schedule for updating an application;
- periodically updating said application to obtain an updated application;
- sending a broadcast message about said updated application;
- receiving a request to update said application;
- comparing said application to said updated application to obtain a differential file; and

sending said differential file in response to said request.

The Examiner agrees that McGUIRE does not teach the claimed step of “periodically updating said application to obtain an updated application” as recited in claim 26. The Examiner relied on McGUIRE for the other steps recited in claim 26. The Examiner generally cited col. 7, lines 10-56 in McGUIRE for disclosing these recited steps. Based on the arguments below, Applicant respectfully submits that McGUIRE does not disclose or suggest multiple steps recited in claim 26.

a. McGUIRE Does Not Disclose the Step of Sending a Schedule for Updating an Application

Claim 26 recites the step of “sending a schedule for updating an application.” The Examiner’s cited portion in McGUIRE discloses a technique “to download update data from a download server to a client computer for installing a revised version of a software product on the client computer.” Id.; See also cited excerpt in Section I.C.1.a. above.

McGUIRE does not disclose or suggest sending a schedule for updating an application to, for example, a client computer. The Examiner cited the “initial setup package” of McGUIRE as disclosing the schedule recited in claim 26. The “initial setup package” of McGUIRE, however, discloses a package “which includes a setup program and information regarding which files are potentially required for installing the revised software product.” McGUIRE, col. 7, lines 29-32. McGUIRE does not disclose or suggest any “schedule” in the “initial setup package.” Thus, McGUIRE fails to disclose or suggest the step of “sending a schedule for updating an application” as recited in claim 26.

b. McGUIRE Does Not Disclose or Suggest the Step of Sending a Broadcast Message about the Updated Application

Claim 26 also recites the step of “sending a broadcast message about said updated application.” The Examiner did not provide a specific cite in McGUIRE for

disclosing this step. The portion in McGUIRE generally cited by the Examiner does not disclose or suggest any broadcast messages. See McGUIRE, col. 7, lines 10-56.

Based on the foregoing, Applicant respectfully submits that McGUIRE does not disclose or suggest multiple steps recited in claim 26. Thus, Applicant believes that claim 26 is in condition for allowance.

2. Claim 52

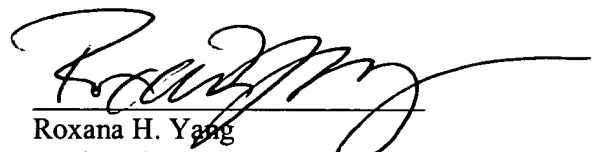
Independent claim 52 recites a computer program product comprising logic code that, when executed, perform the steps as recited in claim 26. Based on Applicant's foregoing arguments with respect to claim 26, Applicant believes that claim 52 is not unpatentable over McGUIRE in view of ROWLEY and should be in condition for allowance.

II. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

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